

**DECLARATION AND POWER OF ATTORNEY**

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **ENDOSCOPIC BYPASS GRAFTING METHOD UTILIZING AN INGUINAL APPROACH**, the specification of which is set forth in a patent application filed in the United States Patent and Trademark Office on November 8, 1989, and having Application No. 09/436,321.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by the Preliminary Amendment filed in the U.S. Patent and Trademark Office on January 14, 2000.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/073.336</u> (Application Serial No.)	<u>05/05/98</u> (Filing Date)	<u>Pending on 11/8/99 (Now U.S. Patent No. 5,979,455)</u> (Status) (Patented, Pending, Abandoned)
<u>08/702.742</u> (Application Serial No.)	<u>08/23/96</u> (Filing Date)	<u>Patented (Patent No. 5,749,375)</u> (Status) (Patented, Pending, Abandoned)
<u>08/391.860</u> (Application Serial No.)	<u>02/21/95</u> (Filing Date)	<u>Patented (Patent No. 5,571,167)</u> (Status) (Patented, Pending, Abandoned)
<u>08/138.912</u> (Application Serial No.)	<u>10/18/93</u> (Filing Date)	<u>Patented (Patent No. 5,456,712)</u> (Status) (Patented, Pending, Abandoned)

08/058.371      05/03/93      Patented (Patent No. 5,304,220)  
 (Application Serial No.)      (Filing Date)      (Status) (Patented, Pending, Abandoned)

07/725.597      07/03/91      Patented (Patent No. 5,211,883)  
 (Application Serial No.)      (Filing Date)      (Status) (Patented, Pending, Abandoned)

I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Paul J. Maginot, Registration No. 34,984  
 Bradford G. Addison, Registration No. 41,486  
 Harold C. Moore, Registration No. 37,892  
 Shawn D. Bauer, Registration No. 41,603  
 Gerald W. Roberts, Registration No. 45,046  
 Bruce J. Bowman, Registration No. 35,458

Address all telephone calls to: Paul J. Maginot at (317) 638-2922

Address all correspondence to: Maginot, Addison & Moore  
 Bank One Center/Tower  
 111 Monument Circle, Suite 3000  
 Indianapolis, Indiana 46204

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor:

Thomas J. Maginot

Inventor's signature:

*Thomas J. Maginot*

Date:

January 14, 2000

Residence:

741 Meadow Lane

Crown Point, Indiana 46307

Citizenship:

United States of America

Post Office Address:

Same as above

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

APPLICANT: Thomas J. Maginot  
APPLICATION NO.:  
FILING DATE:  
TITLE: Endoscopic Bypass Grafting Method Utilizing An Inguinal Approach  
EXAMINER: Unassigned  
GROUP ART UNIT: Unassigned  
ATTY. DKT. NO.: 22220-06963

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Dated: 6/7/02

By:

A.C. Smith

Albert C. Smith, Reg. No.: 20,355

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**REVOCATION AND SUBSTITUTE POWER OF ATTORNEY**

SIR:

The undersigned officer of CardioThoracic Systems, Inc., assignee of record of the entire right, title and interest in and to the above-identified patent application, hereby revokes all prior powers of attorney previously appointed in the above-referenced application, and hereby appoints:

Name	Registration Number	Name	Registration Number
Albert C. Smith	20,355	Elaine Heal	44,149

as its attorneys to prosecute the above-referenced application and any continuing applications, to maintain the ensuing patent, and to transact all other business in the U.S. Patent and Trademark Office connected therewith.

Attached to this power is a Certificate under 37 CFR § 3.73(b).

**PATENT**

Please direct all communication relative to the above-referenced application to the following new correspondence address:

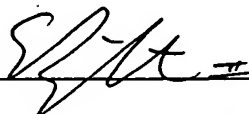
Albert C. Smith  
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Two Palo Alto Square  
Palo Alto, CA 94306  
Tel: (650) 858-7296  
Fax.: (650) 494-1417

Respectfully submitted,  
CardioThoracic Systems, Inc.

Date:

5/29/02

Signature:



Name:

EARL BRIGHT

Title:

ASST. SEC.

## Certificate Under 37 CFR § 3.73(b)

Applicant: Thomas J. Maginot  
Application No.: \_\_\_\_\_  
Filing Date: \_\_\_\_\_  
Name of Assignee: CardioThoracic Systems, Inc.  
Type of Assignee (e.g. corporation, partnership,  
university, government agency, etc.): Corporation

The above-mentioned Assignee certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached; OR
- B. ☒ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: Thomas Maginot  
To: Maginot Vascular Systems  
The document was recorded in the Patent and Trademark Office at  
Reel: 010497 and Frame: 0276, or for which a copy thereof is attached.
2. From: Maginot Vascular Systems  
To: CardioThoracic Systems, Inc.  
The document was recorded in the Patent and Trademark Office at  
Reel: 011190 and Frame: 0001, or for which a copy thereof is attached.
3. From: \_\_\_\_\_  
To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel: \_\_\_\_\_ and Frame: \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

5/29/02  
Date

EARL BRIGHT II  
Signature  
EARL BRIGHT II  
Name  
ASST. SEC.  
Title